

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of )  
 ) MUR 4012  
Freedom's Heritage Forum and )  
Arthur A. Cerminara, as Treasurer )  
and Frank G. Simon, M.D., as )  
Treasurer; )  
Hardy for Congress and )  
Bob Ross, as Treasurer; )  
Timothy Hardy; )  
Lewis for Congress and )  
Bob Ross, as Treasurer; )  
Richard Lewis )

CERTIFICATION

I, Marjorie W. Emmons, recording secretary for the  
Federal Election Commission executive session on  
February 10, 1998, do hereby certify that the Commission  
took the following actions in MUR 4012:

1. Failed on a vote of 3-2 to pass a motion  
to
  - a) Find probable cause to believe that  
the Freedom's Heritage Forum and  
Frank G. Simon, M.D., as treasurer,  
knowingly and willfully violated  
2 U.S.C. §§ 441a(a)(1)(A), 434(b),  
and 441d(a).
  - b) Take no further action as to the  
Freedom's Heritage Forum and Frank  
G. Simon, M.D., as treasurer with  
respect to 2 U.S.C. § 434(b)  
regarding itemization of its  
contributions.

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- c) Find probable cause to believe that Timothy Hardy knowingly and willfully violated 2 U.S.C. § 441a(f).
- d) Find probable cause to believe that Timothy Hardy violated 2 U.S.C. § 441b.
- e) Find probable cause to believe that Richard Lewis violated 2 U.S.C. § 441a(f) but take no further action and close the file as to this respondent.
- f) Take no further action and close the file as to Arthur A. Cerminara.
- g) Take no further action and close the file as to the Hardy for Congress Committee and Bob Ross, as treasurer.
- h) Take no further action and close the file as to the Lewis for Congress Committee and Bob Ross, as treasurer.
- i) Approve the conciliation agreement with the Freedom's Heritage Forum and Frank G. Simon, M.D., as treasurer, as recommended in the General Counsel's January 15, 1998 report.
- j) Approve the conciliation agreement with Timothy Hardy as recommended in the General Counsel's January 15, 1998 report.
- k) Approve the appropriate letters as recommended in the General Counsel's January 15, 1998 report.

Commissioners McDonald, McGarry, and Thomas voted affirmatively for the motion; Commissioners Aikens and Elliott dissented.

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2. Decided by a vote of 4-1 to

- a) Find probable cause to believe that the Freedom's Heritage Forum and Frank G. Simon, M.D., as treasurer, violated 2 U.S.C. §§ 441a(a)(1)(A), 434(b), and 441d(a).
- b) Take no further action as to the Freedom's Heritage Forum and Frank G. Simon, M.D., as treasurer with respect to 2 U.S.C. § 434(b) regarding itemization of its contributions.
- c) Find probable cause to believe that Timothy Hardy violated 2 U.S.C. § 441a(f).
- d) Find probable cause to believe that Timothy Hardy violated 2 U.S.C. § 441b.
- e) Find probable cause to believe that Richard Lewis violated 2 U.S.C. § 441a(f) but take no further action and close the file as to this respondent.
- f) Take no further action and close the file as to Arthur A. Cerminara.
- g) Take no further action and close the file as to the Hardy for Congress Committee and Bob Ross, as treasurer.
- h) Take no further action and close the file as to the Lewis for Congress Committee and Bob Ross, as treasurer.

Commissioners Aikens, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Elliott dissented.

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3. Decided by a vote of 4-1 to

a)

b)

c) Approve appropriate letters.

Commissioners Aikens, McDonald, McGarry, and Thomas voted affirmatively for the decision; Commissioner Elliott dissented.

Attest:

2-13-98  
Date

Marjorie W. Emmons  
Marjorie W. Emmons  
Secretary of the Commission

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